

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-15016 - APPLICANT/OWNER: JANET C TRICOLO AND CARMEN J TRICOLO**

---

**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Rezoning Z-0016-98) and Site Development Plan Review SDR-4075 shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
4. This unit is not rentable and this covenant shall be on file with Clark County.

**Public Works**

5. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

## **\*\* STAFF REPORT \*\***

### **APPLICATION REQUEST**

This application is a request for a Special Use Permit for a proposed habitable accessory structure located at 5341 American Ranch Court (APN 125-12-714-012), R-E (Residence Estates) Zone under Resolution of Intent to R-PD2 (Residential Planned Development - 2 Units Per Acre) Zone, Ward 6 (Ross).

### **EXECUTIVE SUMMARY**

The applicant is seeking the approval of a special use permit for a habitable accessory structure (mother-in-law quarters with a full kitchen) to provide an adequate living environment for his elderly mother. The proposed accessory structure is located on a ½ acre lot in the southwest (rear) portion of the property and is 1,272 square feet, including a two-car garage. The footprint for the existing home, including the garage is approximately 3,720 square feet, which makes the proposed accessory structure less than 50% of the principal dwelling and the accessory structure covers less than 50% of the rear yard. Additionally, there will be a two-car garage incorporated into the design of the building.

### **BACKGROUND INFORMATION**

#### ***A) Related Actions***

- |          |   |
|----------|---|
| 10/12/98 | The City Council approved a Rezoning to R-PD2 (Residential Planned Development – 2 Units Per Acre) on the subject site as part of a larger request (Z-0016-98). The Planning Commission and staff recommended approval on 08/13/98.   |
| 11/01/00 | The City Council approved an Extension of Time [Z-0016-98(1)] of the previously approved Rezoning (Z-0016-98) on the subject site. The Planning Commission and staff recommended approval on 09/28/00.  |
| 10/24/02 | The Planning Commission accepted the withdrawal without prejudice of a General Plan Amendment (GPA-0029-02) to R (Rural Density Residential); a Rezoning (Z-0052-02) to R-PD3 (Residential Planned Development – 3 Units Per Acre); and a Site Development Plan Review [Z-0052-02(1)] for a 30-lot single family residential development on the subject site. |

- 04/22/04      The Planning Commission approved a request for a Site Development Plan Review (SDR-4075) for a 16-lot single-family residential development on the subject site. Staff recommended approval.
- 08/24/06      The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #61/jk).

***B) Pre-Application Meeting***

- 06/19/06      At the pre-application meeting staff identified that the proposed building will meet the three-foot rear and side yard setbacks, as well as, the six-foot building separation requirement. Additionally, staff informed the applicant that the accessory structure doesn't exceed 50% of the floor area of the principal dwelling and it doesn't exceed 50% coverage of the rear yard. Finally, staff informed the applicant that a special use permit was required because a kitchen was located within the accessory structure, which defines the building as habitable space.

***C) Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Gross Acres: .50

***B) Existing Land Use***

Subject Property: Single-family Residential  
North: Single-family Residential  
South: Single-family Residential  
East: Single-family Residential  
West: Single-family Residential  
Horse Park

***C) Planned Land Use***

Subject Property: DR (Desert Rural Residential)  
North: DR (Desert Rural Residential)  
South: DR (Desert Rural Residential)  
R (Rural Density Residential)  
East: DR (Desert Rural Residential)  
West: DR (Desert Rural Residential)  
PF (Public Facilities)

***D) Existing Zoning***

Subject Property: R-PD2 under Resolution of Intent to (Residential Planned Development – 2 Units Per Acre)

North: R-PD2 (Residential Planned Development – 2 Units Per Acre)

South: R-PD2 (Residential Planned Development – 2 Units Per Acre)

East: R-PD2 (Residential Planned Development – 2 Units Per Acre)

West: R-PD2 (Residential Planned Development – 2 Units Per Acre)  
C-V (Civic)

***E) General Plan Compliance***

Centennial Hills General Plan

The existing resolution of intent zoning of R-PD2 (Residential Planned Development – 2 Units Per Acre) is consistent with the DR (Desert Rural Residential) land use designation for this area, as are the existing single-family dwelling and the proposed accessory habitable structure.

| <b><i>SPECIAL DISTRICTS/ZONES</i></b>             | <b>Yes</b> | <b>No</b> |
|---|------------|-----------|
| <b>Special Area Plan</b>                          | <b>X</b>   |           |
| Iron Mountain Ranch                               | <b>X</b>   |           |
| <b>Special Overlay District</b>                   | <b>X</b>   |           |
| <b>Trails</b>                                     |            | <b>X</b>  |
| <b>Rural Preservation Overlay District</b>        | <b>X</b>   |           |
| <b>County/North Las Vegas/HOA Notification</b>    |            | <b>X</b>  |
| <b>Development Impact Notification Assessment</b> |            | <b>X</b>  |
| <b>Project of Regional Significance</b>           |            | <b>X</b>  |

This project falls within the Iron Mountain Ranch Master Plan Area and is also located within a Rural Preservation Overlay District.

**ANALYSIS**

***A) Zoning Code Compliance***

The proposed habitable accessory structure complies with all zoning code requirements for the zoning district within which the property is located. The applicant intends to construct the building to meet all zoning district and building code requirements.

***B) General Analysis and Discussion***

- Zoning

The R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning (Z-0016-98) for this property was approved by the City Council on October 12, 1998. . The Planning Commission approved a request for a Site Development Plan Review (SDR-4075) for a 16-lot single-family residential development. A Final Map Technical Review (FMP-5132) was approved on December 3, 2004 to subdivide a ten-acre parcel into a 16-lot single-family residential subdivision.

- Use

The applicant is seeking the approval of a special use permit for a habitable accessory structure (mother-in-law quarters with a full kitchen) to provide an adequate living environment for his elderly mother. The proposed accessory structure is located on a ½ acre lot in the southwest (rear) portion of the property and is 1,272 square feet, including a two-car garage. The footprint for the existing home, including the garage is approximately 3,720 square feet, which makes the proposed accessory structure less than 50% of the principal dwelling and the accessory structure covers less than 50% of the rear yard. Additionally, there will be a two-car garage incorporated into the design of the building.

- Conditions

1. The size of the lot or parcel must exceed 6,500 square feet.
2. Habitable accessory structure may not be offered or occupied as a rental unit unless the principal dwelling is owner-occupied.
3. A habitable accessory structure may contain one kitchen, but otherwise must comply with all provisions of Section 19.08.040 applicable to accessory structures.
4. A minimum of one additional on-site parking space must be provided beyond the number of spaces normally required.

**FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use is compatible with surrounding land uses and should not adversely impact the area.

**2. “The subject site is physically suitable for the type and intensity of land use proposed.”**

The lot for the proposed habitable accessory structure is sufficiently large enough to accommodate this use and all code requirements for this type of structure are consistent with code requirements. Moreover, the applicant is going to build this building using similar construction materials and will provide the same finishing as the primary dwelling.

**3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The street network will not be impacted by this use, as it is accessory to the primary use on this site.

**4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Since the proposed habitable accessory structure meets all code requirements for setbacks and building separations, there is nothing to indicate that it will compromise the health, safety, or welfare of the residents in the area.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

3

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 104 by City Clerk

**APPROVALS** 0

**PROTESTS** 0